City of Seattle
Gregory J. Nickels, Mayor

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3006557

Applicant Name: Sean Sullivan, Architect for Hewittt and representative for Harbor Properties

Address of Proposal: 311 Cedar Street (previously 2612 3rd Avenue)

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 17 story, 184 unit apartment building with 3,490 sq. ft. of retail at grade. Parking for 93 vehicles to be located in below grade garage. Review includes demolition of existing structures (6,208 sq. ft.).

The following approvals are required:

Design Review pursuant to Chapter 23.41 Seattle Municipal Code, with Departures:

Development Standard Departure based on minimum lot size (SMC 23.49.153).
Development Standard Departure to allow additional lot coverage above 125' height (SMC 23.49.158.A.1).
Development Standard Departure to allow structures a larger setback from the property line at street level (SMC 23.49.162.B.1.b.2.ii.c).
Development Standard Departure to allow a larger ratio of "small" size parking stalls (SMC SMC 23.54.030.B.1.b).

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

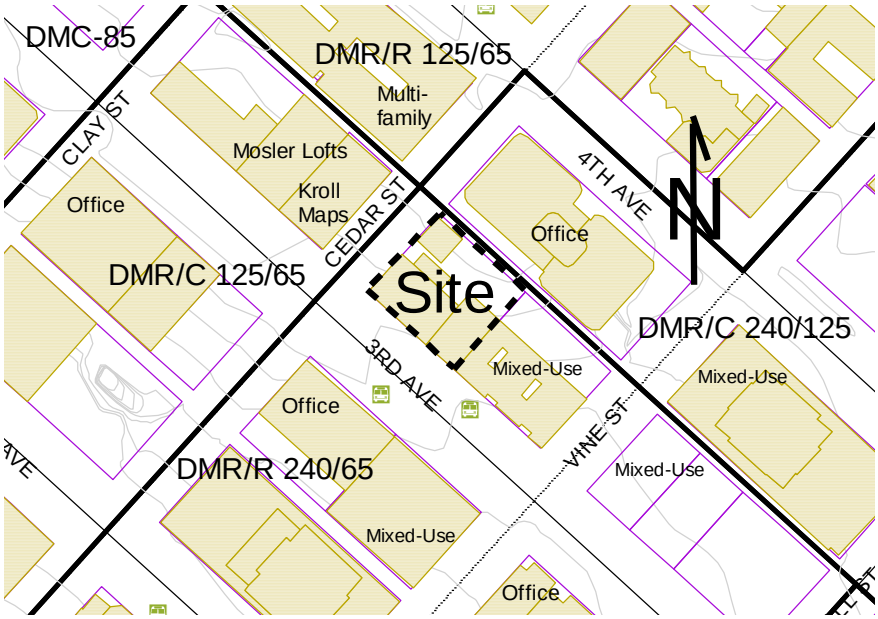
[X] DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

SITE & VICINITY

The 12,960 square foot corner site is located on 3rd Avenue and Cedar Street. Three single-story office buildings occupy the site, with surface parking located at the alley. The buildings were constructed in 1958.

The site is located in the Belltown neighborhood east of the downtown core in a pedestrian-oriented area with frequent transit service. The area exhibits a variety of buildings, with newer residential mixed-use development to the east and west, and older office buildings and surface parking lots nearby.



For illustrative purposes only

The subject property is located on the corner of 3rd Avenue and Cedar Street. Cedar Street is a designated green street per the Seattle Land Use Code. The proposed development would be placed over the quarter-block sized development parcel. The zoning in this area has higher maximum zoning limits than many nearby properties. To the west, north, and northwest of the subject property, the maximum height limit is 125'. At the subject property and continuing to the southwest and east, the maximum height limit is 240'.

The site is essentially flat, with slight sloping to the southwest toward Elliott Bay. Surrounding development consists of older office buildings and older and newer mixed-use residential and commercial structures.

PROJECT DESCRIPTION

The proposal includes the construction of one mixed-use residential and retail building with two levels of below grade parking. The proposed project consists of a tower centrally located on a retail base (total height of 160'). The central location of the tower would preserve some existing views of Elliott Bay for the office building to the east and would provide a setback from the southeast property line.

The proposal includes approximately 184 residential units, 3,490 square feet of retail area at the street level, and 86 parking stalls.

DESIGN GUIDELINE PRIORITIES:

EARLY DESIGN GUIDANCE MEETING (November 6th, 2007)

This proposal came before the Downtown Design Review Board for two EDG meetings, the first on July 10th, 2007 and the second on November 6th, 2007.

On February 15, 2008, the applicant submitted for a Master Use Permit.

At the Early Design Guidance meeting held on November 6th, 2007 and after visiting the site, considering the EDG comments from July 10th, 2007, analysis of the site and context provided by the proponents, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Downtown Development"* and "*Belltown Urban Center Village Design Guidelines*" of highest priority to this project:

A-1 Responding to the Physical Environment
A-2 Enhance the Skyline
B-1 Respond to the Neighborhood Context
B-2 Create a Transition in Bulk and Scale
B-3 Reinforce the positive urban form & architectural attributes of the immediate area
B-4 Design a well-proportioned & unified building
C-1 Promote pedestrian interaction
C-2 Design facades of many scales
C-3 Provide active—not blank— facades
C-5 Encourage overhead weather protection
C-6 Develop the alley facade
D-1 Provide inviting & usable open space
D-2 Enhance the building with landscaping
D-3 Provide elements that define the place
E-2 Integrate parking facilities

DESIGN REVIEW BOARD EARLY DESIGN GUIDANCE SUMMARY (NOVEMBER 6TH, 2007)

On November 6th, 2007, the Downtown Design Review Board convened for a Design Recommendation meeting. Display boards and supplementary design review packet pages including perspective sketches, design departure requests, site plans, sections, pedestrian environment details, elevations, materials and colors, floor plans, and landscape plans were presented for the Board members' consideration.

Summarized and paraphrased from the November 8th, 2007 EDG Report, guidance included the following:

- (Hot Button #1) Proposed departure. Departure from 23.49.153 - The applicant should fully demonstrate which guidelines are better met by the proposed design departures, and how those guidelines are better met by the proposed design departures.

- (Hot Button #2) Above-grade parking. The Board advised the applicant to carefully design the above grade parking, possibly using a veneer of active uses, at least at the corners of the building. Any treatment of the parking should be architecturally integrated into the building.
- The proposed design should respond to the context and massing of the area:
    - adjacent building to the south and Mosler Lofts to the north
    - views of Elliott Bay
    - recent Green Street development
    - pedestrian scaled street level development
    - transition of scale in the area
- The top of the proposed development should visually enhance the skyline, since it would be taller than several nearby buildings on 3rd Ave.
- Enhance the pedestrian experience, including wrapping the Green Street development onto 3rd Avenue, include sidewalk related uses, and architectural reinforcement of the corner.
- Avoid blank walls where possible, and treat blank walls where unavoidable.
- Provide design studies of south and east building facades.
- Provide continuous overhead weather protection on all street fronts; use varied heights and treatments to provide articulation (as opposed to breaks in the canopy).
- Design open spaces to meet design guidelines.
- Full development of the Green Street at Cedar Street.
- Design the alley façade to respond to existing conditions to the south and across the alley.

DESIGN PRESENTATION MAY 6TH, 2008

David Hewitt of Hewitt gave the applicant presentation. Mr. Hewitt provided context of the design process to this point and explained the latest version of the proposed development and how the applicant feels it better meets the intent of the adopted design guidelines:

- The proposed massing reinforces the urban form and provides open areas for pedestrians at Cedar Street.
- The proposed street level development would enhance pedestrian activity and interaction
- The setback at the south property line and the parking at the alley allow for no blank facades.
- Overhead weather protection for pedestrians is provided with building overhangs and awnings.
- The architectural expression allows for a defining sense of place.
- Development of the alley façade responds to existing alley conditions to the south and east across the alley.
- The proposed building massing and top will enhance the skyline.
- The proposed massing and treatments respond to the neighborhood context.

Mr. Hewitt described the proposed design departures and the proposed modifications to the proposal since the November 6th, 2007 EDG meeting:

- All above grade parking has been removed from the proposal.
- The proposed north façade now meets Green Street required upper setbacks.
- An additional street level setback is provided at Cedar Street (now 9’10” average, previously 8’ average).

- The proposed building volume is less than would be allowed under a code compliant scheme – the proposed departures would allow a taller more slender building at this site.
- Handicap and Zipcar parking would be located in surface parking stalls at the alley.
- The building façade has been modulated and articulated to enhance the corners and verticality of the structure.

Materials include the following:

- Ribbed vertical metal panels
- Flat metal panels at horizontal bands in the façade
- Lower curve of smaller rib vertical metal panels on the Cedar Street façade
- Painted concrete at the base of the alley façade
- Brick at the base on the Cedar Street façade
- Aluminum storefront systems
- Solid canopies with light colored metal undersides to reflect light to the sidewalk

Lighting would be located on the underside of the canopies, uplighting on the building signage at Cedar Street, step lights on the raised planters, and retail lighting that would spill through the storefronts. Bright shielded lights would be provided near the Zipcars at the alley for increased safety and security.

BOARD QUESTIONS AND COMMENTS

The Board had the following questions and clarifying comments, with responses from the applicant:

- Please clarify areas where pedestrians would have overhead weather protection at the sidewalk areas.
    - The applicant clarified – some areas are uncovered, and some pedestrian paths that are covered are blocked by planters. Other areas have canopies or building overhangs.
- Please clarify the uses at street level.
    - Retail would be located at grade all along 3rd Avenue, with Lobby and office for the lobby areas at Cedar Street.
- The stair unit at the north corner is proposed to be clad in brick although it doesn't appear that material connects to other materials in the Cedar Street façade. Since Cedar is a Green Street, did the applicant consider a green wall at that location instead?
    - The applicant would be willing to consider that option.
- On page 16 showing the southeast elevation, it appears that a blank wall would face the potentially historic structure to the south. What options has the applicant considered to soften this wall?
    - The wall is at the property line, and brick has been brought to the corner. It wouldn't be architecturally appropriate to bring brick past that point.
- What does the applicant mean by 'the proposal has community acceptance?'
    - There was a community meeting in which most people voted in favor or not opposed to the proposal.
- Would the applicant be open to providing additional overhead weather protection for pedestrians?
    - Yes, but the applicant feels that the proposal is sufficient

- On page 10, it's not clear how the grade change and street level development would interact. Please clarify.
    - The grade slopes down from the corner to the south along 3rd Avenue. The area between the curb and the storefront would be finished to provide an unbroken sidewalk surface. The area between the curb and the storefront at the mid-block point on 3rd would include approximately 18" height of stairs and a seating wall. The seating wall would decrease in height toward the corner of 3rd and Cedar.
- What is the idea behind using the ribbed metal panels?
    - The small scale vertical rib on the red element emphasizes the curve of that element. The color is meant to complement the brick color, but not mimic it.
- Are there louvers at the emergency exit stair?
    - Yes, facing the alley.
- On page 19, the red curved element may terminate at a visually awkward point. The height and width of the appearance of the red element might more closely mirror the 3-story red brick element on the other end of the 3rd Avenue façade. Has the applicant considered extending that element into the 3rd Avenue façade?
    - The applicant feels that the red element is architecturally appropriate as is.

PUBLIC COMMENT

Eleven members of the public attended the Design Recommendation meeting, and one public comment letter was distributed to the Board at the commenter's request. The following comments were offered:

- Positive aspects of the development:
    - All parking below grade
    - Zipcar location
    - Green Street development (if Lyle Bicknell in DPD has reviewed the proposal)
    - More innovative than the average glass box development we see in Seattle lately
    - Setback at the Green Street
    - Floorplate above 125' building height is under 8,000 square feet
- The rental units should be smaller near the street level to provide de facto affordable housing in the neighborhood.
- The pedestrian overhangs and canopies on 3rd don't realistically protect the pedestrian, since planters and obstructions would force pedestrians to dart in and out for weather protection.
- Overhead weather protection should be for pedestrians, not sidewalk cafes.
- Instead of setting back at the south property line, the 3rd Avenue façade should have set back to allow more light and open views at the sidewalk; angled bays may contribute to feelings of the building looming over the sidewalk.
- The applicant should work with adjacent property owners to improve sidewalks for the whole block (the neighborhood group would be happy to facilitate).
- The proposed departure for height based on lot size shouldn't be allowed, since it is more of a height variance.

BOARD RECOMMENDATIONS

After considering the proposed design and the project context, hearing public comment and reconsidering the previously stated design priorities, the Design Review Board members came to the following conclusions on how the proposed design met the identified design objectives.

A. Site Planning (see Belltown design guidelines for full text)

A-1 Respond to the physical environment. Develop an architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site.

Belltown Guidelines (augmenting A-1).

a. Develop the architectural concept and arrange the building mass to enhance views. This includes views of the water and mountains, and noteworthy structures such as the Space Needle;

Guidance from EDG: *The proposed building massing should respond to the context of massing found in nearby buildings such as the adjacent two story brick building to the south and the office building to the east. Proposed tower massing should respond to the views of Elliott Bay to the west.*

The Board noted that the graphics shown on page 13 and page 20 do not appear to reflect the same information about building massing. The Board encourages the applicant to enhance the slender tower appearance as exhibited with the upper setbacks shown on page 13.

Recommendation response: The proposed massing is set back from the south property line above the second story, responding to the 2-story massing to the south. The proposed north façade includes a curved element at the lower stories of the building, responding to the curves of the office building to the east. The tower is setback from the north and south property lines, creating a slender massing to respond to the views of Elliott Bay to the west. The proposal meets this guideline.

A-2 Enhance the skyline. Design the upper portion of the building to promote visual interest and variety in the downtown skyline.

Guidance from EDG: *If the departure is approved, the residential tower could be up to 160' tall. This area of 3rd Avenue is characterized by buildings up to 125' tall due to the zoning along most of 3rd Avenue in Belltown. The subject property is on the edge of two blocks of 3rd Avenue that could contain taller towers. The proposed tower would be a prominent element in the existing streetscape and in any future development of the area. The applicant should design the proposed tower to enhance the skyline of this area.*

Recommendation response: The subject property is located in a small zone along 3rd Avenue that permits 240' tall towers. The proposed building height of 160' would provide an appropriate visual transition from the 125' zone to the north (and the newly constructed Mosler Lofts) to the taller structures toward downtown, and to the taller zones and structures east and south of this site. The rooftop garden area will provide outdoor recreational area for residents and is a positive use of the upper portion of the building. The stepped façade, articulation between changes in the façade, and treatment of the top of the building all help to enhance the skyline. The proposal meets this guideline.

B. Architectural Expression – Relating to the Neighborhood Context (see Belltown design guidelines for full text)

B-1 <u>Respond to the neighborhood context</u>. Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.

<u>Belltown Guideline (augmenting B-1)</u>.

a. **Establish a harmonious transition between newer and older buildings. Compatible design should respect the scale, massing and materials of adjacent buildings and landscape.**
b. **Complement the architectural character of an adjacent historic building or area; however, imitation of historical styles is discouraged. References to period architecture should be interpreted in a contemporary manner.**
c. **Design visually attractive buildings that add richness and variety to Belltown, including creative contemporary architectural solutions.**
d. **Employ design strategies and incorporate architectural elements that reinforce Belltown's unique qualities. In particular, the neighborhood's best buildings tend to support an active street life.**

<u>Guidance from EDG</u>: *The Board noted that the applicant has primarily provided massing studies at this stage, which include a mix of residential, office, and commercial uses. The proposed design should respond to nearby newer architectural context and the adjacent older two-story brick building to the south.*

<u>Recommendation response</u>: Comments describing the proposed design response to existing context may be found in the response to guideline A-1. The proposal meets this guideline.

B-2 <u>Create a transition in bulk & scale</u>. Compose the massing of the building to create a transition to the height, bulk, and scale of development in neighboring or nearby less intensive zones.

<u>Belltown Guideline (augmenting B-2)</u>.

- **New high-rise and half- to full-block developments are juxtaposed with older and smaller scale buildings throughout the neighborhood. Many methods to reduce the apparent scale of new developments through contextually responsive design are identified in other guidelines (e.g., B-1: Respond to the neighborhood context and B-3: Reinforce the positive urban form &architectural attributes of the immediate area). The objective of this guideline is to discourage overly massive, bulky or unmodulated structures that are unsympathetic to the surrounding context.**

<u>Guidance from EDG</u>: *The Board supported the applicant's modifications to the project in order to meet the lot coverage and Green Street setbacks. As noted in the response to A-2, this site is located at the edge of a zoning height change and the proposed design should also provide a good transition in height, bulk and scale between the lower height areas and the areas with permitted higher building heights.*

The applicant should work to ensure that the proposed development responds to nearby context of recent green street development, recent and historic building massing and modulation, human scaled street level entries, and includes a variety of scales responding to the transition.

Recommendation response: Comments describing the proposed design response to height transitions may be found in the response to guideline A-2. Comments describing the proposed design response to existing context may be found in the response to guideline A-1. The proposal meets this guideline.

B-3 Reinforce the positive urban form & architectural attributes of the immediate area. Consider the predominant attributes of the immediate neighborhood and reinforce desirable siting patterns, massing arrangements, and streetscape characteristics of nearby development.

Belltown Guideline (augmenting B-2).

a. **Respond to the regulating lines and rhythms of adjacent buildings that also support a street-level environment; regulating lines and rhythms include vertical and horizontal patterns as expressed by cornice lines, belt lines, doors, windows, structural bays and modulation.**
b. **Use regulating lines to promote contextual harmony, solidify the relationship between new and old buildings, and lead the eye down the street.**
c. **Pay attention to excellent fenestration patterns and detailing in the vicinity. The use of recessed windows that create shadow lines, and suggest solidity, is encouraged.**

Guidance from EDG: *The applicant should distinguish between examples of positive urban form and architectural attributes in the area, and those that are less positive. The recommendation stage should include an analysis of these examples, and describe how the proposed design responds to the examples. One example of positive additions to the streetscape can be found in the appearance of 2-story tall retail spaces in the Mosler Lofts building to the north.*

Recommendation response: The proposed development responds to much of the existing context in the area, as described in the response to Guideline A-1. The Board noted that the existing 2-story brick building to the south includes brick on all four sides. This neighboring building also includes windows and entrances at the alley. The upper and alley areas of the proposed south wall would be visible from the street level and from the alley. The Board recommended that for these reasons that the south façade at the property line should be clad in brick where visible from these areas. **The proposal meets this guideline, subject to the conditions listed below.**

B-4 Design a well-proportioned & unified building. Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole.

Guidance from EDG: *The proposed design should include massing that responds to the variety of uses in the building. The massing approaches for the various uses should create distinct spaces that architecturally relate to each other as a unified structure.*

The applicant should provide additional design studies demonstrating the proposed east and south facades at the design recommendation stage. Comments also reflect those found in Hot Button #2 and the response to guideline A-1.

Recommendation response: The proposed massing reflects the retail uses at the street level and the residential uses at the upper levels. Above grade parking and/or office spaces are no longer part of the proposed development.

A discussion of the proposed design response to context can be found in the response to Guideline A-1. The proposal meets this guideline.

C. The Streetscape – Creating the Pedestrian Environment (see Belltown design guidelines for full text)

C-1 Promote pedestrian interaction. Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should be open to the general public and appear safe and welcoming.

Belltown Guideline (augmenting C-1).

- **a. reinforce existing retail concentrations;**
- **b. vary in size, width, and depth of commercial spaces, accommodating for smaller businesses, where feasible;**
- **c. incorporate the following elements in the adjacent public realm and in open spaces around the building:**
  - **unique hardscape treatments**
  - **pedestrian-scale sidewalk lighting**
  - **accent paving (especially at corners, entries and passageways)**
  - **creative landscape treatments (planting, planters, trellises, arbors)**
  - **seating, gathering spaces**
  - **water features, inclusion of art elements**
- **d. Building/Site Corners. Building corners are places of convergence. The following considerations help reinforce site and building corners:**
  - **provide meaningful setbacks/ open space, if feasible**
  - **provide seating as gathering spaces**
  - **incorporate street/ pedestrian amenities in these spaces**
  - **make these spaces safe (good visibility)**
  - **iconic corner identifiers to create wayfinders that draw people to the site**

Guidance from EDG: *The presence of the Green Street at Cedar Street requires particular attention in the context of this guideline. The nearby bus stop south of the site on 3rd Avenue is a pedestrian generator. The green street development should wrap the corner onto 3rd Avenue, providing pedestrian amenities, sidewalk-related uses, and forms that reinforce the corner. The building corner itself should be designed to indicate the significant corner, turning onto a Green Street.*

The pedestrian level development should reflect the items listed in this guideline, including seating opportunities.

Recommendation response: The proposed development includes Green Street development in the form of planted areas, seating opportunities at the street level, reflected light from storefront canopies, and uplighting on the building façade. The Board discussed the proposed combination of building overhang and canopies and found the overhead pedestrian weather protection to be inadequate. The combination of gaps in weather protection and the interruption of pedestrian flow by planters adjacent to the storefront areas create a lack of weather protection for pedestrians on both Cedar Street and 3rd Avenue, especially at the corner of the building. The Board agreed that gaps should be provided for planters to allow natural light and precipitation. However, the canopies should be extended from the building to create a continuous protected pedestrian route. The corner should also include overhead weather protection, which should be used to visually reinforce the curved element of that building corner. **The proposal meets this guideline, subject to the conditions listed below.**

C-2 Design facades of many scales. Design architectural features, fenestration patterns, and materials compositions that refer to the scale of human activities contained within. Building facades should be composed of elements scaled to promote pedestrian comfort, safety, and orientation.

Guidance from EDG: *Comments reflect the guidance found in item B-2 and C-1.*

Recommendation response: Comments reflect the responses found in B-2 and C-1. **The proposal meets this guideline, subject to the conditions listed below.**

C-3 Provide active—not blank— facades. Buildings should not have large blank walls facing the street, especially near sidewalks.

Guidance from EDG: *The applicant noted in the design presentation that the prescribed zoning and building code requirements could result in blank walls at the south façade, or one of the other proposed mix of uses may result in blank facades at above grade parking. The proposed design should not include any blank facades. Potentially blank facades should be treated appropriate to the context of each façade.*

Recommendation response: Comments reflect the responses found in B-3. **The proposal meets this guideline, subject to the conditions listed below.**

C- 5 Encourage overhead weather protection. Encourage project applicants to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.

Belltown Guideline (augmenting C-5).

- **a. the overall architectural concept of the building (as described in Guideline B-4);**
- **b. uses occurring within the building (such as entries and retail spaces) or in the adjacent streetscape environment (such as bus stops and intersections);**
- **c. minimizing gaps in coverage;**

d. a drainage strategy that keeps rain water off the street-level facade and sidewalk;
e. continuity with weather protection provided on nearby buildings;
f. relationship to architectural features and elements on adjacent development, especially if abutting a building of historic or noteworthy character;
g. the scale of the space defined by the height and depth of the weather protection;
h. use of translucent or transparent covering material to maintain a pleasant sidewalk environment with plenty of natural light; and
i. when opaque material is used, the illumination of light-colored undersides

Guidance from EDG: *The proposed development should include continuous overhead pedestrian weather protection on both street fronts. Varied heights or depths of weather protection may be used to create visual interest and respond to architectural façade changes.*

The proposed break in the overhead weather protection on Cedar St should be replaced with continuous overhead weather protection. As described, a variety of shapes and depths can visually signify the change from retail to residential entry, without interrupting the weather protection function.

Recommendation response: Comments reflect the responses found in C-1. **The proposal meets this guideline, subject to the conditions listed below.**

C-6 Develop the alley facade. To increase pedestrian safety, comfort, and interest, develops portions of the alley façade in response to the unique conditions of the site or project.

Belltown Guideline (augmenting C-6).

Spaces for service and utilities:

a. Services and utilities, while essential to urban development, should be screened or otherwise hidden from the view of the pedestrian.
b. Exterior trash receptacles should be screened on three sides, with a gate on the fourth side that also screens the receptacles from view. Provide a niche to recess the receptacle.
c. Screen loading docks and truck parking from public view using building massing, architectural elements and/or landscaping.
d. Ensure that all utility equipment is located, sized, and designed to be as inconspicuous as possible. Consider ways to reduce the noise impacts of HVAC equipment on the alley environment.

Pedestrian environment:

a. Pedestrian circulation is an integral part of the site layout. Where possible and feasible, provide elements, such as landscaping and special paving, that help define a pedestrian friendly environment in the alley.
b. Create a comfortably scaled and thoughtfully detailed urban environment in the alley through the use of well-designed architectural forms and details, particularly at street level.

Architectural concept:

a. In designing a well-proportioned and unified building, the alley façade should not be ignored. An alley façade should be treated with form, scale and materials similar to rest of the building to create a coherent architectural concept.

Guidance from EDG: *In addition to the guidance found in C-3, the applicant should respond to the existing alley conditions. The two-story brick building to the south includes entrances and landings adjacent to the alley. The office building across the alley includes informal areas where workers take breaks outside. The proposed development should respond to the existing activity in the alley and enhance this usage. The proposed street level treatments at Cedar St should partially continue into the alley to enhance this pedestrian experience.*

Potential enhancements include pedestrian connectivity to the sidewalk areas, glazed façades wrapping the corner to the alley, green walls at the alley façade, and visually interesting façade treatments.

Recommendation response: In addition to the comments found in B-3, the Board noted that the proposed alley facing façade has been sensitively designed and responds well to the development directly across the alley from the proposed project. **The proposal meets this guideline, subject to the conditions listed below.**

D. Public Amenities – Enhancing the Streetscape and Open Space (see Belltown design guidelines for full text)

D- 1 Provide inviting & usable open space. Design public open spaces to promote a visually pleasing, safe, and active environment for workers, residents, and visitors. Views and solar access from the principal area of the open space should be especially emphasized.

Belltown Guideline (augmenting D-1).

- **Mixed-use developments are encouraged to provide useable open space adjacent to retail space, such as an outdoor cafe or restaurant seating, or a plaza with seating.**
- **Locate plazas intended for public use at/or near street grade to promote physical and visual connection to the street; on-site plazas may serve as a well-defined transition from the street. Take views and sun exposure into account as well.**
- **Define and contain outdoor spaces through a combination of building and landscape, and discourage oversized spaces that lack containment.**
- **The space should be well-buffered from moving cars so that users can best enjoy the space.**
- **Open spaces can feature art work, street furniture, and landscaping that invite customers or enhance the building's setting.**
- **Examples of desirable features to include are:**
- **attractive pavers;**

- **pedestrian-scaled site lighting;**
- **retail spaces designed for uses that will comfortably "spill out" and enliven the open space;**
- **areas for vendors in commercial areas;**
- **landscaping that enhances the space and architecture;**
- **pedestrian-scaled signage that identifies uses and shops; and**
- **site furniture, art work, or amenities such as fountains, seating, and kiosks.**
- **Residential open space: Residential buildings should be sited to maximize opportunities for creating usable, attractive, well-integrated open space. In addition, the following should be considered:**

    a. courtyards that organize architectural elements while providing a common garden;
    b. entry enhancements such as landscaping along a common pathway;
    c. decks, balconies and upper level terraces;
    d. play areas for children;
    e. individual gardens; and
    f. location of outdoor spaces to take advantage of sunlight and views.

Guidance from EDG: *The applicant described the potential for street level outdoor gathering areas at Cedar Street and a second story balcony at the southwest corner of the building. The proposed design should demonstrate that all public open space areas meet this guideline. Comments also reflect those found in Hot Button #2.*

Recommendation response: The removal of above grade parking from the proposal makes a response to Hot Button #2 unnecessary. The applicant has demonstrated that the street level outdoor gathering spaces that are possible adjacent to the storefront areas would be usable, promote connection with sidewalk area activity, include seating opportunities at Cedar St, and landscaping to enhance the areas. The shared residential open space at the rooftop would be an opportunity for sunlight and views of Elliott Bay and the Space Needle, and would provide access to an indoor community room and outdoor barbeque area and fire pit. The proposal meets this guideline.

D- 2 Enhance the building with landscaping. Enhance the building and site with substantial landscaping—which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.

Belltown Guideline (augmenting D-2). Enhance the building and site with generous landscaping — which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material. Landscape enhancement of the site may include some of the approaches or features listed below, where appropriate:

a. emphasize entries with special planting in conjunction with decorative paving and/or lighting;
b. use landscaping to make plazas and courtyards comfortable for human activity and social interaction;
c. distinctively landscape open areas created by building modulation, such as entry courtyards;

d. provide year-round greenery — drought tolerant species are encouraged to promote water conservation and reduce maintenance concerns; and
e. provide opportunities for installation of civic art in the landscape; designer/artist collaborations are encouraged (e.g., Growing Vine Street).

D- 3 <u>Provide elements that define the place</u>. Provide special elements on the facades, within public open spaces, or on the sidewalk to create a distinct, attractive, and memorable "sense of place" associated with the building.

<u>Belltown Guideline (augmenting D-3)</u>.

- **<u>Art and Heritage</u>. Art and History are vital to reinforcing a sense of place. Consider incorporating the following into the siting and design:**
  - **b. Art that relates to the established or emerging theme of that area (e.g., Western, 1st, 2nd, 3rd Avenue street specific character.**
    - **3rd Avenue: new installations on 3rd Avenue should continue to be 'civic' and substantial and be reflective of the role the street plays as a major bus route**
  - **c. Install plaques or other features on the building that pay tribute to Belltown history**
- **<u>Transit Streets</u>: 1st, 3rd, and 6th Avenues; Cedar and Broad Streets from Denny Way to 1st Avenue. Street Furniture/Furnishings:**
  - **Green Streets: Green Streets are street rights-of-way that are enhanced for pedestrian circulation and activity with a variety of pedestrian-oriented features, such as sidewalk widening, landscaping, artwork, and traffic calming. Interesting street level uses and pedestrian amenities enliven the Green Street and lend special identity to the surrounding area.**

- **<u>Promenade Streets</u>: 1st Avenue, 2nd Avenue, 3rd Avenue, 5th Avenue, Alaskan Way. Street Furniture/Furnishings:**
  - **1st , 2nd and 3rd Avenues. Sidewalks should be wide and pedestrian amenities like benches, kiosks and pedestrian-scale lighting are especially important on promenade streets.**

<u>Guidance from EDG</u>: *The preliminary landscape plan indicates that there is potential for a good landscape palette and quality Green Street development at this site. The Belltown supplemental guidelines list details that are appropriate for the pedestrian development of 3rd Avenue and the Green Street (Cedar Street).*

In addition to the guidance described in C-6, the applicant should continue to work with DPD staff to develop the Green Street and the overall landscape plan to meet these guidelines.

<u>Recommendation response</u>: The proposed Green Street development at Cedar Street includes a planted area and seating opportunities near the corner, street trees at the curb on 3rd Ave and Cedar St, seating benches near the building entry on Cedar St and near the curb on 3rd Ave, and planters adjacent to the building on Cedar St and on 3rd Ave.

The Board discussed the nature of Cedar St as a Green Street and felt that the brick veneer on the stair tower at the north building corner adjacent to the alley would not enhance the Green Street as much as a green wall. The Board recommended using the brick elsewhere on the building (the south façade at the property line) and creating a green wall or other element to enhance the Green Street at the north building corner.

The use of uplighting, seating, and the curved wall at the corner and on Cedar St all add to the sense of place for this site. **The proposal meets these guidelines, subject to the conditions listed below.**

RECOMMENDATION AND CONDITIONS

The recommendations summarized below were based on the design review packet date stamped March April 25, 2008 and the supplemental materials received at the Design Recommendation meeting on May 6th, 2008. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and initial recommendation conditions, and reviewing the plans and renderings, the six Design Review Board members recommended APPROVAL of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below). The Board recommends the following CONDITIONS (Authority referred in the letter and number in parenthesis):

1. The overhead weather protection shall be extended from the building on 3rd Avenue to provide a continuous protected route for pedestrians. Gaps may be allowed over planted areas, but overhead weather protection should be extended further in these areas to create a protected pedestrian route. Overhead weather protection at the corner of 3rd Avenue and Cedar Street should enhance the proposed curve of the façade above. The proposed canopy design should be reviewed and approved by the Land Use Planner prior to issuance of a Master Use Permit. (C-1, C-5, D-3)

2. Current and future property owners shall be responsible for maintaining all landscaping, including landscaped areas of the building façade (D-2) and green street developments in the public right of way. A Landscaping Declaration (available at http://www.seattle.gov/dclu/codes/dr/DR1992-13.pdf) will be required prior to Certificate of Occupancy. The proposed entry design should be reviewed and approved by the Land Use Planner prior to issuance of a Master Use Permit. (D-2, D-3)

3. The south facing wall at the property line should be brick faced, where visible from the street or alley. The proposed entry design should be reviewed and approved by the Land Use Planner prior to issuance of a Master Use Permit. (B-3, C-3, C-6)

4. The stair tower at the north corner of the building should be designed to enhance the Green Street at Cedar Street, using methods such as a green wall instead of brick. The proposed entry design should be reviewed and approved by the Land Use Planner prior to issuance of a Master Use Permit. (D-3)

RESPONSE TO DESIGN REVIEW BOARD RECOMMENDED CONDITIONS

1. The applicant has modified the canopy to provide continuous overhead weather protection above a pedestrian route along 3rd Avenue, using a combination of canopy and second story building overhang. The modified design satisfies the recommended design condition #1.

2. Current and future property owners shall be responsible for maintaining all landscaping, including landscaped areas of the building façade (D-2) and green street developments in the public right of way. A Landscaping Checklist declaration (available on page 13 at http://web1.seattle.gov/dpd/dirrulesviewer/Rule.aspx?id=6-2009) will be required prior to Certificate of Occupancy, per the conditions listed below. (D-2, D-3)

3. The applicant has proposed a new material for all areas shown as 'brick' at the Design Recommendation meeting, as well as the south-facing wall at the property line. The material shall be "Burnt Orange Ground Face Half Block" in all areas previously shown as 'brick' or 'masonry,' as well as the south-facing wall up to the top of the third story. The modified design satisfies the recommended design condition #2.

4. The applicant has modified the treatment of the stair tower at the north corner of the building to include a green screen with vines. The landscape plans in the plan set do not indicate any plant material which will grow on this green screen, however. The project Landscape Architect shall revise the landscape plans to include vegetated materials appropriate for the Green Screen at Cedar Street. Prior to issuance of the MUP, the landscape plans shall be modified in the MUP plan set to include vining plant materials suited to a north-facing green screen, per the conditions listed below. (D-3)

DEVELOPMENT STANDARD DEPARTURES

STANDARD	REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	BOARD RECOMMENDATION
Development Standards based on Minimum Lot Size SMC 23.49.153	Lots less than 19,000 square feet in size are restricted to 125' building height (lots at least 19,001 square feet may be developed to 240' height).	160' height proposed for lot size of 12,960 square feet.	The proposed departure would allow additional setbacks at the north and south property lines, creating a more slender tower than otherwise allowed by Land Use Code requirements.	The applicant has proposed a high quality design for this building. The Board noted that the departure would not set a precedent, since the rationale for the departure is based on the specific proposed design for this site. Recommended approval by 6 Board members, subject to the conditions listed above.
Lot coverage above 125' height SMC 23.49.158.A.1	No applicable (0%) lot coverage permitted above 125' building height for lots less than 19,001 square feet in size (35% to 45% coverage allowed at that height for larger lots).	60% (7,721 square feet) maximum lot coverage proposed above 125' building height.	Floor size limits above 125' height are limited to 8,000 square feet (SMC 23.49.158.B). The proposed slender tower is within that limit.	The applicant has proposed a high quality design for this building. The Board noted that the departure would not set a precedent, since the rationale for the departure is based on the specific proposed design for this site. Recommended approval by 6 Board members, subject to the conditions listed above.
Street Façade Requirements SMC 23.49.162.B.1.b.2.ii.c	No setback deeper than two feet shall be wider than twenty feet, measured parallel to the street property line.	A 34'3" wide setback is proposed in an area setback more than 2' from the property line.	The proposed modulation accentuates the vertical slender nature of the tower and adds modulation.	Recommended approval by 6 Board members, subject to the conditions listed above.
Parking Space Standards SMC 23.54.030.B.1.b	When more than 5 parking spaces are proposed, at least 60% shall be striped for 'medium' size spaces.	41.86% striped medium, the remainder striped small or barrier-free.	Reducing the size (and number) of parking spaces allows all parking to be placed below grade.	Recommended approval by 6 Board members.

The proposed design and Development Standard Departures are **GRANTED**, subject to the conditions listed below.

II. SEPA

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (February 15, 2008; modified November 10, 2008), and supplemental information in the project file submitted by the applicant's agent. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during demolition and construction; increased noise and vibration from construction operations and equipment; and increased traffic and parking demand from construction personnel. These impacts are not considered significant because they are temporary and/or minor in scope.

Compliance with existing ordinances, such as the Street Use Ordinance and the Noise Ordinance will provide sufficient mitigation for most impacts. The other impacts not noted here as mitigated by codes or conditions are not sufficiently adverse to warrant further mitigation by conditioning. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

Air Quality

Demolition of structures and surface paving and transport for demolition will create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC 15.22) requires watering the site, as necessary, to reduce dust. In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. Demolition could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality. Since the demolition activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

Construction Impacts

Construction activities include construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials. These activities themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project and do not warrant mitigation under SEPA.

Noise

Demolition of existing buildings and excavation will be required to prepare the building sites and foundations for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses. Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity shall be limited, subject to the conditions listed below.

Traffic

In consultation with DPD's Transportation Planner it was determined that the anticipated number of construction vehicle trips would not significantly exacerbate traffic congestion in this area during peak hours of travel. Seattle Department of Transportation will review any sidewalk or street closures and will review construction vehicle staging and travel. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), no additional conditioning is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area; increased demand for parking; increased noise; and increased demand for public services and utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development; the City Noise Control Ordinance which will regulate hours and level of noise. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies, except as noted below.

Environmental Health

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project and do not warrant mitigation under SEPA.

Historic Preservation

There are no existing historic landmarks on or adjacent to the subject property. The existing structures at the site were constructed in 1952 (309 Cedar Street) and 1958 (2612-2620 3rd Avenue). These structures have been reviewed for potential historic significance and landmark status. Seattle Department of Neighborhoods has determined that none of the structures meet the criteria for historic landmark designation and no further conditioning is warranted by SEPA policies.

Parking

There will be increased parking demand created by the project. The site has 22 existing parking and spaces (to be removed), 93 proposed new parking spaces, and 74 proposed new bicycle parking spaces. The site is located near the center of the downtown core.

The Institute of Transportation Engineers (ITE) Parking Manual indicates that the proposed mix of uses would generate peak demand for approximately 262 vehicle parking spaces:

- 2.75 spaces per 1,000 sq. ft. retail use x 3,490 sq. ft. = 9.6
- 1.37 spaces per residential high rise apartment unit x 184 units = 252.1

The site is located in a very dense urban core, close to several modes of transit, pedestrian and bicycle opportunities. The ITE Parking Manual is based on suburban assumptions that often do not include nearby on-street parking, pedestrian-oriented environments, bicycle facilities, or mass transportation. For the remaining spillover parking demand of people driving to the site for these uses, there are on-street and pay parking lots in the immediate vicinity.

Additionally, per SMC 25.05.675.M.2.b.i, no SEPA authority is provided to mitigate for parking impacts in downtown zones. No further conditioning is warranted by SEPA policies.

Traffic

The applicant has provided a trip generation and distribution memo ("Musicians Project – Trip Generation and Distribution Memo" by The Transpo Group, TG: 08063.00, dated October 14, 2008 from James Webb of the The Transpo Group to Martha Barkman of Harbor Properties). The study discusses the ITE Trip Generation 7th Edition manual, and notes that the proposed mix of residential and retail uses replace the recent office and auditorium use. The change and expansion results in a net increase of 820 vehicle trips per day and 53 pm-Peak hour trips.

In consultation with DPD's Transportation Planner it was determined that the anticipated number of vehicle trips has been determined not to have a significant adverse impact on the existing traffic patterns in this area, due to the distribution of traffic to nearby intersections. No further conditioning is warranted by SEPA policies.

Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist and this analysis, this action will result in probable adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[**X**] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS – DESIGN REVIEW

For the Life of the Project

1. Materials and colors shall be consistent with those presented at the design recommendation meeting and the Master Use Plan sets. Any change to materials or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

Prior to Issuance of a Master Use Permit

2. The landscape plans shall be modified in the MUP plan set to include vining plant materials suited to a north-facing green screen at Cedar Street.

CONDITIONS – SEPA

Prior to Issuance of a Building Permit

3. If the applicant intends to work outside of the limits of condition #3 below, a Construction Noise Management Plan shall be required, subject to review and approval by DPD (Land Use Planner Shelley Bolser at (206) 733-9067 or shelley.bolser@seattle.gov). The Construction Noise Management Plan shall include (but is not limited to) the proposed mitigation measures listed in the 2008 Addendum for the proposed development.

4. The applicant shall submit for review and approval a Construction Impact Management Plan approved by the Seattle Department of Transportation in consultation with the Department of Planning and Development. The plan shall identify management of construction activities including hours of construction traffic, parking, truck routing and traffic, and issues concerning street and sidewalk closures.

During Construction

5. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

Prior to Certificate of Occupancy

6. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the Master Use Plan sets. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

7. The applicant shall provide a landscape checklist declaration from page 13 of Director's Rule 2009-6, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

Signature: (signature on file) Date: October 1, 2009
Shelley Bolser, Senior Land Use Planner, AICP, LEED AP
Department of Planning and Development

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